



[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2013-0073; Airspace Docket No. 13-ASO-2]

Amendment of Class E Airspace; Dayton, TN, Establishment of Class E Airspace; Cleveland, TN, and Revocation of Class E Airspace; Bradley Memorial Hospital, Cleveland, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E Airspace at Dayton, TN, as the Hardwick Non-Directional Beacon (NDB) has been decommissioned and new Standard Instrument Approach Procedures (SIAPs) have been developed at Mark Anton Airport. Also, Hardwick Field Airport has closed; therefore, the controlled airspace area is removed. This action also establishes Class E Airspace at Cleveland Regional Jetport, Cleveland, TN, to accommodate area navigation (RNAV) global positioning system (GPS) SIAPs at the airport. Information regarding Bradley Memorial Hospital is added to the Cleveland, TN, airspace description and removed from both the Dayton, TN, regulatory text as well as its listing as Bradley Memorial Hospital, Cleveland, TN, to correct an erroneous reference.

DATES: Effective 0901 UTC, October 17, 2013. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

SUPPLEMENTARY INFORMATION:

History

On May 1, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace at Mark Anton Airport, Dayton, TN, establish Class E airspace at Cleveland Regional Jetport, Cleveland, TN, and remove designation of Class E airspace at Bradley Memorial Hospital, Cleveland, TN, (78 FR 25403). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface within a 9.8-mile radius of Mark Anton Airport, Dayton, TN, to accommodate new standard instrument approach procedures due to the decommissioning of the Hardwick NDB and cancellation of the NDB approach. Additionally, this action establishes Class E airspace 700 feet above the surface within a 7.4 mile radius at Cleveland Regional Jetport, with a segment extending from the 7.4-mile radius to 12-miles southwest of the Jetport, to accommodate RNAV (GPS) standard instrument approach procedures for instrument flight rules (IFR) operations. Also, Hardwick Field Airport has closed, and controlled airspace removed. Information regarding Bradley Memorial Hospital is added to the Cleveland, TN, airspace description and removed from the Dayton, TN, regulatory text as well as its listing as Bradley Memorial Hospital, Cleveland, TN, to correct an erroneous reference. This action enhances the safety and airspace management of IFR operations in the Dayton, TN, and Cleveland, TN, airspace areas.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the

anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace in the Dayton, and Cleveland, TN, airspace areas.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment

Lists of Subjects in 14 CFR Part 71:

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment:

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71 --DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, effective September 15, 2012, is amended as follows:

Paragraph 6005. Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

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ASO TN E5 Dayton, TN [Amended]

Mark Anton Airport, TN

(lat. 35°29'10"N., long. 84°55'52"W.)

Bledsoe County Hospital, Pikeville, TN,

Point in Space Coordinates

(lat. 35°37'34"N., long 85°10'38"W.)

That airspace extending upward from 700 feet above the surface within a 9.8-mile radius of the Mark Anton Airport, and that airspace within a 6-mile radius of the Point in Space Coordinates (lat. 35°37'34"N., long 85°10'38"W.) serving Bledsoe County Hospital, Pikeville, TN.

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ASO TN E5 Cleveland, TN [New]

Cleveland Regional Jetport, TN

(lat. 35°12'41"N., long. 84°47'59"W.)

Bradley Memorial Hospital, TN

Point in Space Coordinates

(lat. 35°10'52"N., long 84°52'56"W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Cleveland Regional Jetport, and within 2-miles each side of the 209° bearing from the airport, extending from the 7.4-mile radius to 12-miles southwest of the airport, and within a 6-mile radius of the Point in Space Coordinates (lat. 35°10'52"N., long.84°52'56"W.) serving Bradley Memorial Hospital.

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ASO TN E5 Bradley Memorial Hospital, Cleveland, TN [Removed]

Issued in College Park, Georgia, on **August 16, 2013**

KIP B. JOHNS

Manager, Operations Support Group

Eastern Service Center, Air Traffic Organization

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